

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 4150 of 1999

Between:

- 1 V.L.N.Sastry S/o. Late Subba Rao
R/o. 23-14-12, Gadiaramvari Street, Satyanarayana Puram,
Vijayawada.
- 2 Vempati Hanumanta Rao S/o. Vempati Sreerama murty
R/o. 29-19-63, Dornakal Road, Suryaraopet, Vijayawada.
- 3 Tatineni Venkata Tata Rao S/o. Subbaiah
r/o. 52-1/7-5, NTR Colony, Vijayawada.
- 4 G.N.Sankara Rao S/o. Nagabhushanam
R/o. 23-28-58, Near Maruti Vyayamasala, Satyanarayanapuram,
Vijayawada.
- 5 M.Sreenivasa Sastry S/o. M.Laxminarayana
R/o. 29-26-120, Jidagam Vari Street, Suryaraopet, Vijayawada.
- 6 Sreeramakavacham Venkateswara Sastry S/o. Sastrulu
R/o. 39-9-40, Sree Venkateswara Temple Street, Labbipet, Vijayawada.
- 7 K.Chandrasekharam s/o. K.Punnaiah
c/o. Sri VLN. Sastry, 23-14-12 Gadiaramvari Street, Satyanarayanapuram,
Vijayawada.
- 8 Kosuri Narayana Rao S/o. Sreeramulu
R/o. Plot No.87, Sripuram Colony, Malakpet Post,
Hyderabad-500 036.
- 9 V.Narayana Rao S/o. Veerabhadra Rao
R/o. 31-10-13, Naganivas, Machavaram, Viajaywada.
- 10 D.Satyanarayana Murthy S/o. Late Krishna Murthy
R/o. 29-23-20, Tadevallivari Street, Suryaraopet,
Vijayawada.
- 11 K.Ramalingeswara Rao S/o. Lakshminarasimham
R/o. 1-369, Chintaguntapalem, Machilipatnam.
- 12 Malladi Subrahmanya Sarma S/o. Late Ramachandraiah
R/o. 21-10/5-33, 3rd lane, Teachers colony,
Mutyalapadu, Vijayawada.
- 13 P.Seetaramaiah S/o. Venkateswara Rao
R/o. Qtr.No.107, Near.Venkateswara Temple, Ibrahimpatnam, Kondapalli,

Krishna Dist.

14 P.Raghuram S/o. Srinivasa Rao
R/o. 31-5-26, Dr.Prakasharao Street, Maruthinagar,
Vijayawada.

15 T.Viswanadha Sastry S/o. Venkateswarlu
R/o. 23-11-31, opp:to:Corporation Bank, NRP Road,
Satyanarayanapuram, Vijayawada.

..... PETITIONERS

AND

1 Government of Andhra Pradesh rep. by its Secretary, Education

Department, Secretariat, Hyderabad.

2 Commissioner of College Education Andhra Pradesh State, Nampally,
Hyderabad.

3 Satavahana College, rep. by its Correspondent and Secretary at

Gandhinagar, Vijayawada, Krishna Dist.

4 Andhra Jateeya Kalasala, rep. by its Correspondent & Secretary, at

Gandhinagar, Vijayawada, Krishna District.

5 K.B.N.College, rep. by its Correspondent & Secretary Vijayawada.

6 Layola College, rep. by its Secretary and Correspondent, Vijayawada.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to pass appropriate writ, order or direction, particularly a writ of mandamus declaring the action of respondents in not paying regular emoluments (including the revised pay scales, increments arrears attached to the concerned post) for the periods served by petitioner beyond the age of 58 years and up to 60 years as illegal, arbitrary and unjust and issue a consequential direction directing the respondents herein to pay the said arrears forthwith.

Counsel for the Petitioners: MR.J.PRABHAKAR

Counsel for the Respondent Nos.1 to 4: GP FOR HIGHER EDUCATION

Counsel for the Respondent Nos.5 & 6: None appeared.

The Court made the following :

ORDER:

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This writ petition is filed seeking a *mandamus* declaring the action of respondents in not paying regular emoluments (including the revised pay scales, increments arrears attached to the post concerned) for the periods served by the petitioners beyond the age of 58 years and up to 60 years, as arbitrary and illegal.

It is the case of the petitioners that they are retired lecturers and when they were appointed originally the age of retirement for the post of lecturer was sixty years. However, the Government reduced the age from sixty years to fifty eight years, upon which several writ petitions were filed before this Court and this Court allowed all the writ petitions by directing the Government to continue the respective lecturers till they attain the age of sixty years with consequential benefits of UGC scales, pensionary benefits and other retirement benefits. It seems, the Government carried the Judgments of this Court before the Supreme Court. The Supreme Court allowed the appeals filed by the Government and clarified that the employees, who would have retired at the age of 55 years and 58 years in pursuance of relevant Government orders, will be given the benefit of pension as if they have retired at the age of 55 and 58 years respectively and payment made by way of salary and allowance on account of their continuance in service up to the age of 60 years under Court order will not be recovered or adjusted. However, even after the judgment of the Supreme Court, this Court directed the respondents to pay salaries to the lecturers for the period for which they have actually rendered service beyond the age of superannuation of 58 years.

In fact, Government issued G.O.Rt.No.578 dated 22-04-1995 in this regard. The relevant portion of the G.O. reads as under:

“The Government have carefully considered the case in consultation with the Commissioner of Collegiate Education, Andhra Pradesh, Hyderabad, and hereby direct that the service rendered beyond the age of 58 years by the staff of aided colleges shall not counter for any benefit other than the payment of salary (pay and allowance) for the period of service rendered. Government further direct that no annual grade increments shall be released for the above period to the staff who worked beyond 58 years. Action may be taken for payment of salaries accordingly.”

In view of the above, the respondents are directed to pay the salaries to the petitioners for the period for which the service was actually rendered beyond the age of superannuation of 58 years, if not already paid. However, it is made clear that the petitioners are not entitled for any annual grade increments and other monetary benefits for the service rendered beyond the age of superannuation of 58 years.

With the above direction, the writ petition is disposed of. No costs.

C.V.RAMULU, J.

Dated 06-07-2005.

SKMR

..... REGISTRAR

Copy to:

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- 1 The Secretary, Government of Andhra Pradesh, Education Department, Secretariat, Hyderabad.
- 2 Commissioner of College Education, Andhra Pradesh State, Nampally, Hyderabad.
- 3 The Correspondent and Secretary, Satavahana College at Gandhinagar, Vijayawada, Krishna Dist.
- 4 The Correspondent & Secretary, Andhra Jateeya Kalasala at

Gandhinagar, Vijayawada, Krishna District.

5 The Correspondent & Secretary, K.B.N.College, Vijayawada.

6 The Secretary and Correspondent, Layola College, Vijayawada.

7 2 CCs to G.P. for Higher Education, High Court buildings, Hyderabad
(OUT).

2 CD copies

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